IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 19471 of 2007(R)

PETITIONER:

S.MOHANAN,
KOTTAVATHUKKAL HOUSE, MALAYALAPPUZHA,
THAZHAM P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

1. PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.,NO.Q 390, PATHANAMTHITTA, REP.BY ITS SECRETARY.

2. THE SPECIAL SALE OFFICER, PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.NO.Q 390, PATHANAMTHITTA.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, PATHANAMTHITTA.

4. THE STATE OF KERALA, REP.BY THE SECRETARY, DEPARTMENT OF CO-OPERATION, KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.V.G.ARUN & SRI.T.R.HARIKUMAR

R2 TO R4 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 19471 OF 2007 R

Dated this the 18th July, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery proceedings are under challenge. Prayer is for a direction to permit the petitioner to pay off the amount in instalments. Though the petitioner was directed to pay Rs.65,000/= as a condition for interim order, no amount has been paid. Petitioner, however, prays that he may be permitted to pay the amount in instalments. Heard the learned counsel appearing on behalf of the respondent Bank also. The Writ Petition is disposed of as follows:

The first respondent Bank will serve a Statement on the petitioner showing the amount payable with interest and also the amount of instalments to be paid on the basis that the petitioner has to pay the amount in six equal monthly instalments, within a period of two weeks from today. Upon receipt of the same, petitioner is permitted to pay off the entire amount in terms of

the decision of the Bank in six equal monthly instalments, the first of which shall be payable on or before 23.8.2007. Petitioner shall pay the subsequent instalments on or before the 23rd of every succeeding month. If any of the instalments is not paid, petitioner will lose the benefit of this Judgment and the respondent Bank will be free to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.